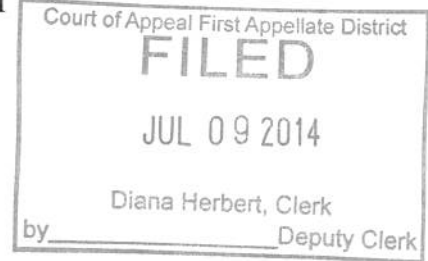


# Exhibit 3

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE



STATE OF CALIFORNIA et al.,  
Plaintiffs and Respondents,

v.

PHILIPS ELECTRONICS NORTH  
AMERICA CORPORATION,

Defendant and Respondent;

JEFFREY FIGONE,

Objector and Appellant

A140908

(San Francisco County Super. Ct.  
No. CGC11515786)

**BY THE COURT:**

The motion to dismiss is denied. Jeffrey Figone has shown that he is potentially bound by the judgment under the doctrine of res judicata. If bound, his right to pursue his claims in a pending federal class action may be barred, and he is therefore a party “aggrieved” by the judgment.

“Any party aggrieved may appeal in the cases prescribed in this title.” (Code Civ. Proc., § 902.) Usually, only “parties of record” may appeal from an adverse judgment. (*County of Alameda v. Carleson* (1971) 5 Cal.3d 730, 736.) However, a nonparty who is bound by a judgment under the doctrine of res judicata has standing to appeal. (*Marsh v. Mountain Zephyr, Inc.* (1996) 43 Cal.App.4th 289, 295.) The issue of whether Jeffrey Figone is bound by the state court settlement under the doctrine of res judicata is a disputed issue in this case. (But see Bus & Prof. Code, § 16760, subd. (b)(3).) While we do not yet address the merits of the case, a potential outcome could find Figone bound in his collateral federal litigation by the res judicata effect of the judgment at issue before us. Consequently, Figone satisfies the party requirement of standing. (See *Bridgeman v. Allen* (2013) 219 Cal.App.4th 288, 292 [a party is aggrieved by an order even if his grievance turns out to be legally without merit].)

We also reject the Attorney General's arguments that Figone has expressly waived his objection to the settlement.

Dated: JUL 09 2014 Simons, J. <sup>Acting P.J.</sup>, P. J.

COURT OF APPEAL, FIRST APPELLATE DISTRICT  
350 MCALLISTER STREET  
SAN FRANCISCO, CA 94102  
DIVISION 5

July 9, 2014

Mario Nunzio Alioto  
Trump, Alioto, Trump & Prescott  
2280 Union Street  
San Francisco, CA 94123

RE: STATE OF CALIFORNIA et al.,  
Plaintiffs and Respondents,  
v.  
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION,  
Defendant and Respondent;  
JEFFREY FIGONE,  
Objector and Appellant

A140908  
San Francisco County No. CGC11515786

Dear Counsel:

If appellant's opening brief is not filed within 15 days after the date of this notice, the appeal will be dismissed unless good cause is shown for an extension of time (Cal. Rules of Court, rule 8.220(a)(1)).

Very truly yours,  
Diana Herbert  
Clerk of the Court

F. Castuera

Deputy Clerk

cc: Emilio Eugene Varanini IV  
Pamela Pham  
Gina Ann Bibby  
John Taladay  
Jon Vensel Swenson

COURT OF APPEAL, FIRST APPELLATE DISTRICT  
350 MCALLISTER STREET  
SAN FRANCISCO, CA 94102  
DIVISION 5

July 9, 2014

Sylvie Kulkin Kern  
Kag Law Group  
PO Box 210135  
San Francisco, CA 94121

RE: STATE OF CALIFORNIA et al.,  
Plaintiffs and Respondents,  
v.  
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION,  
Defendant and Respondent;  
JEFFREY FIGONE,  
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